

**STATE OF SOUTH CAROLINA
COUNTY OF JASPER**

EMERGENCY ORDINANCE # 2020-__

AN ORDINANCE OF JASPER COUNTY COUNCIL

To Adopt an Emergency Ordinance to Provide Procedures and Standards for Electronic Meetings During the Continuing COVID-19 Health Emergency for County Council, Modifying Meeting Schedules of County Boards and Commissions during a State of Emergency, Providing for E-bidding for Vendors, Extending the County Declaration of a Local Emergency, and Emergency Matters Related Thereto

WHEREAS, in response to Executive Orders issued by Governor Henry McMaster on March 13, 2020, and thereafter, Governor Henry McMaster declared that a State of Emergency existed in South Carolina and directed, among other things, the postponement, rescheduling or cancellation of public meetings to meet “social distancing” measures to assist in minimizing the spread of the COVID-19 coronavirus; and

WHEREAS, in response to the various Executive Orders, and in accordance with the findings and premises of an ordinance authorizing electronic meetings of County Councils, and other measures regarding related matters as set forth therein, County Council adopted on April 6, 2020, Emergency Ordinance 2020-____, which provided detailed procedures and provisions regarding public meetings and extended the County declared State of Emergency as set forth in Resolution 2020-19, which in accordance with state law, expires 61 days after adoption; and

WHEREAS, the national and state Declarations of States of Emergency continue in effect, with “social distancing” and restrictions of public gatherings and operations of businesses remain in effect at this time; and

WHEREAS, it remains imperative for local governments to continue to operate during States of Emergency, but is equally imperative for local governments to continue to implement steps to minimize the need for large gatherings in order to protect public health and safety and the health and safety of local government officials and staff; and

WHEREAS, it is hereby determined that a public emergency affecting life, health, and safety continues to exist, and therefore, it is appropriate and necessary to enact this Emergency Ordinance to continue to provide for restrictions on public meetings and procedures for the conducting of public business using electronic meetings for up to an additional sixty-one days; and

WHEREAS, the Council finds it prudent to reschedule meetings of County Boards and Commissions during this continued state of emergency to protect its citizens and employees from potential exposure to the coronavirus;

NOW THEREFORE, be it hereby ordained in this regularly scheduled meeting of the County Council, as follows:

Section 1. Standards for Electronic Meetings. The County Council is hereby authorized to conduct public meetings exclusively in electronic form, provided the medium for such meeting, whether telephonic, broadcast video, computer-based, or other electronic media, or any combination of these, and the conduct of the electronic meeting, allows for the following standards and practices to be met:

(a) At the beginning of any electronic meeting, the presiding officer shall poll the members of the County Council to confirm attendance, and any member of the County Council attending by way of electronic media shall be considered present for the purposes of constituting a quorum. All other County staff in official attendance shall be announced by name and title.

(b) Throughout the duration of the electronic meeting, all members of the County Council, as well as any officials or staff required to speak at such meeting, must have the capability to be heard at all times by any other member of the County Council and by the general public.

(c) Any vote of the County Council must be conducted by voice vote of the members of the County Council, who shall verbally indicate their vote on any matter by stating “yay” or “nay.” If the vote is not unanimous, each individual member shall be polled by roll call, and he or she shall verbally indicate their vote by stating his or her name along with the vote of “yay” or “nay.” All individual votes shall be recorded by the clerk, secretary, or presiding officers, as appropriate.

(d) Meetings shall be recorded or minutes kept in the same manner as an in-person meeting as required by the Act.

(e) All members of the County Council, officials, staff, and presenters should identify themselves and be recognized prior to speaking. Members of the County Council shall strictly comply with the rules of the County Council as they relate to procedural matters in order to preserve order and allow for the effectiveness of electronic meetings.

(f) Electronic executive sessions shall be permitted in accordance with the provisions of the Act and the County Council shall properly announce its reason for going into any executive session in conformance with Section 30-4-70 of the Act. Upon the entry into any electronic executive session, meeting minutes need not be kept and the electronic meeting utilized for such executive session may be held by (i) a separate telephonic, broadcast video, computer-based, or other electronic media, or any combination of these wherein the public shall not be permitted to participate, or (ii) on the initial telephonic, broadcast video, computer-based, or other electronic media, or any combination of these, with the implementation of necessary participation or listening restrictions, provided that in either instance all members of the County Council must have the capability to be heard at all times.

(g) With respect to any electronic meeting, any public comment periods provided for by local ordinance, resolution, policy, or bylaws are hereby suspended.; in their stead, members of the public may submit written public comments which shall be distributed to the members of the County Council, or utilize a call -in system over a telephone speaker system in the event there is a physical convening, in whole or in part, of the Council Members in Council Chambers. Comment time will be limited to the time limitations as contained in Ordinance 08-17.

Section 2. Suspension of Local Provisions. During the period of effectiveness of this Ordinance, any ordinance, resolution, policy, or bylaw of the County Council that conflicts with the

provisions hereof is suspended and shall be superseded hereby. The County Council may call an emergency meeting by use of electronic equipment. The Clerk to Council shall record votes of an emergency meeting by roll call identifying the Councilmember by name and his or her vote for any action taken at an emergency meeting in accordance with Section 1(c) above.

Section 3. Meetings of County Boards, Commissions and Agencies. Notwithstanding any County Ordinance to the contrary, all regularly scheduled public meetings of County Boards, Commissions and Agencies (excepting therefrom the State Boards and Commissions, i.e., the Board of Elections and Voter Registration, County Transportation Committee, etc.), shall be postponed and held in abeyance until the earlier of 1) the State Declaration of Emergency as referenced above having been lifted by the Governor of the State of South Carolina, 2) County Council by further Resolution authorizing the resumption of the meetings of these Boards, Commissions or Agencies, or 3) upon the expiration of this Ordinance sixty-one days after its enactment. Provided, however, in the event that a particular Board, Commission or Agency has a need to hold a meeting to address an exigent circumstance, the County Council Chairman is authorized to approve an electronic meeting of such Board, Commission or Agency, who must follow the procedures and standards for electronic meeting as set forth above.

Section 4. Procurement Ordinance Procedures. County Council recognizes the limitations on public assemblies will affect the Procurement Ordinance, Chapter 2, Article V, *Purchasing and Contracting*, inasmuch as public bid openings cannot be held in the same manner as provided in the Ordinance. For so long as this Emergency Ordinance is in effect, County Council authorizes the use of e-bids; i.e., the posting, solicitation, and acceptance of bids by electronic means. The Chief Procurement Officer is authorized to contract with a reputable and established e-bidding service for the posting, solicitation, receipt and evaluation of sealed bids. Until further notice all bids MUST BE submitted electronically through the Purchasing Department's Vendor Registry webpage. A link shall be posted on the County's web site providing instructions on how to submit bids electronically through this system. Emailed/faxed bids will not be accepted by the Purchasing Department. Bids must be submitted electronically through Jasper County's Purchasing Vendor Registry page to ensure it remains sealed until the scheduled bid opening date and time. Any scheduled bid openings will still be opened at the designated date and time as listed in the bid document or related addendum. However, due to the office closure to the public, these bid openings will not be open to the public, but will be conducted as a Zoom® or other similar electronic meeting streamed live. The invitation to the electronic meeting will be posted on the County web page, and bidders will be provided the meeting URL address by email prior to the bid opening. Following the bid opening, bid tabulation results will be posted online for the public's viewing.

Section 5. Extension of the County State of Emergency. County Council provided for an extension of the state of emergency beyond March 31, 2020 in the event the Governor extended the State Declaration of Emergency beyond March 31st; by Emergency Ordinance 2020-____, County Council acknowledged the continuation of the County State of Emergency continuously beyond March 31st, 2020 as provided for in Resolution/Proclamation 2020-19; by this Emergency Ordinance, Council provides for such State of Emergency to remain in effect until the Governor of South Carolina lifts the State Declaration of Emergency, or County Council itself takes action to lift the County Declaration. County Council confirms the authority of the County Administrator to take all measures as required to seek reimbursement from the State of South Carolina and/or FEMA for qualifying expenses and costs incurred in responding to the health emergency resulting from the COVID-19 coronavirus.

Section 6. Severability. If any section, clause, paragraph, sentence or phrase of this ordinance, or the application thereof to any person or circumstances shall, for any reason, be held to be invalid or unconstitutional, such invalid section, clause, paragraph, sentence, phrase or application is hereby declared to be severable; and any such invalid or unconstitutional section, clause, paragraph, sentence, phrase or application shall in no way affect the remainder of this ordinance; and it is hereby declared to be the intention of the County Council that the remainder of this ordinance would have been passed notwithstanding the invalidity or unconstitutionality of any section, clause, paragraph, sentence or phrase thereof.

Section 7. Effective Date; Expiration. The provisions hereof shall be effective upon a single meeting of County Council and two-thirds vote of the County Council, and shall expire on the sixty-first day following the effective date hereof.

DONE AS AN EMERGENCY ORDINANCE AT AN EMERGENCY MEETING, and approved at a meeting duly assembled by no less than an affirmative vote of two-thirds of the members of the County Council present, this ____ day of May, 2020.

Henry Etheridge, Chairman

ATTEST:

Tisha Williams, Acting Clerk to Council

Reviewed for form and draftsmanship by the Jasper County Attorney.

David L. Tedder

Date